

# Exhibit 70

Page 1

1 UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF NEW JERSEY  
3 MDL No. 2875  
4

5 IN RE: VALSARTAN, PRODUCTS )  
6 LIABILITY LITIGATION )

7 Plaintiff, )

8 - against - )

9 This Document Relates to: )

10 MSP RECOVERY LAW FIRM )

11 Testimony of: )

12 JORGE A. LOPEZ, ESQ. )

13 - - - - -

14 April 29, 2021

15 9:00 a.m.

16  
17 TRANSCRIPT of the stenographic notes in the  
18 above-entitled matter, as taken by and before Sara K.  
19 Killian, a Registered Professional Reporter, Certified  
20 Court Reporter and Notary Public, remotely via Zoom  
21 videoconferencing.  
22  
23  
24  
25

1 Q. Okay.

2 The three at-issue assignor entities  
3 are all Medicare Advantage organizations; is that  
4 right?

5 A. I beg your pardon?

6 Q. The three at-issue assignors whose  
7 claims MSP is asserting in this case, they are all  
8 Medicare Advantage organizations; is that right?

9 A. Yes. To my knowledge, yes, sir.

10 MR. OSTFELD: Do we have somebody who  
11 needs to mute?

12 THE WITNESS: Just a little noise  
13 going on out in the hallway.

14 MR. OSTFELD: Okay.

15 Q. As a class representative, MSP is not  
16 asserting any claims on behalf of any non-Medicare  
17 Advantage organization assignors in this  
18 litigation; is that correct?

19 MR. WHORTON: Objection.

20 Calls for a legal conclusion.

21 Outside the scope.

22 A. The claims asserted would be on  
23 behalf of Medicare Advantage organizations that  
24 have contracted with CMS and any other Medicare  
25 Advantage plan that has paid for or assumed

1 financial risk for the payment of the drugs.

2 Q. Okay.

3 What is the basis for MSP's  
4 qualifications to serve as a class representative  
5 on behalf of class members other than Medicare  
6 Advantage organizations?

7 A. It understands the payments that were  
8 made and it is prepared to pursue those claims on  
9 behalf of any payor in that regard.

10 Q. Other than the assignors that have  
11 assigned claims to MSP, does MSP know the  
12 identities of any other third-party payors that  
13 belong to the proposed class or subclass?

14 A. I do not know at this point in time.

15 Q. Okay.

16 Does MSP have access to any database  
17 or common reference or resource that would provide  
18 it with the identities of other third-party payors  
19 that belonged to the class or subclass?

20 MR. WHORTON: Outside the scope.

21 A. I do not know.

22 Q. How many cases has MSP or any of its  
23 affiliates filed as a plaintiff?

24 A. Specific number, I could not tell  
25 you.

1 Q. Is it more than 100?

2 A. I would say yes.

3 Q. Do you know how many class actions  
4 MSP or one of its affiliates have filed as a  
5 punitive class representative?

6 A. I don't recall a specific number.

7 Q. How many of MSP's lawsuits have been  
8 dismissed involuntarily?

9 A. I do not know.

10 Q. Do you know the reason --

11 A. Forgive me. That was with respect to  
12 the plaintiff in this case.

13 Q. For this one, I'm saying any MSP  
14 entity.

15 Have lawsuits that have been filed by  
16 MSP or any of its affiliates including MSP  
17 Recovery been dismissed involuntarily?

18 A. Yes.

19 Q. What are the reasons for the  
20 involuntary dismissals?

21 MR. WHORTON: Objection.

22 Outside the scope.

23 Lacks foundation.

24 A. I couldn't answer specifically. I  
25 would have to read the particular orders.

1 Q. Okay.

2 How many MSP or its affiliate  
3 lawsuits have been dismissed voluntarily?

4 A. I do not know.

5 Q. How many of MSP's lawsuits are  
6 against private insurance companies?

7 MR. WHORTON: Objection.

8 Vague.

9 A. Specifically, I did not know.

10 Q. Would you agree that a majority of  
11 MSP's lawsuits are against private insurance  
12 companies?

13 A. I could not tell you. I don't get  
14 involved in the litigation aspect.

15 Q. Okay.

16 How many of MSP's lawsuits have  
17 settled on an individual basis?

18 MR. WHORTON: Objection.

19 Lacks foundation.

20 A. I do not know.

21 Q. How many have settled on a class wide  
22 basis?

23 A. I don't recall. I vaguely recall at  
24 least one or two perhaps, but other than that, I  
25 couldn't tell you.